



General Assembly

February Session, 2008

***Raised Bill No. 582***

LCO No. 2647

\*02647\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING THE RECYCLING OF COVERED  
ELECTRONIC DEVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (7) of section 22a-629 of the 2008 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective October 1, 2008*):

4 (7) "Manufacturer" means any person who: (A) Manufactures or  
5 manufactured covered electronic devices under a brand that it licenses,  
6 owns or owned, for sale in this state; (B) manufactures or  
7 manufactured covered electronic devices without affixing a brand, for  
8 sale in this state; (C) resells or has resold in this state under its own  
9 brand or label a covered electronic device produced by other suppliers,  
10 including retail establishments that sell covered electronic [products]  
11 devices under their own brand names; (D) imports or imported into  
12 the United States or exports from the United States covered electronic  
13 devices for sale in this state; (E) sells at retail a covered electronic  
14 device acquired from an importer that is the manufacturer as described  
15 in subparagraph (D) of this subdivision, and elects to register in lieu of  
16 the importer as the manufacturer for those products; or (F)

17 manufactures or manufactured covered electronic devices, supplies  
18 them to any person or persons within a distribution network that  
19 includes wholesalers or retailers in this state, and benefits from the sale  
20 in this state of those covered electronic devices through such  
21 distribution network. "Manufacturer" does not include a person who  
22 owns and licenses a brand or trademark for covered electronic devices  
23 but does not manufacture or sell such devices.

24 Sec. 2. Subdivision (20) of section 22a-629 of the 2008 supplement to  
25 the general statutes is repealed and the following is substituted in lieu  
26 thereof (*Effective October 1, 2008*):

27 (20) "Orphan device" means a covered electronic device, limited to  
28 desktop or personal computers, computer monitors and portable  
29 computers, for which no manufacturer, as defined in this section, can  
30 be identified or for which the manufacturer is no longer in business  
31 and has no successor in interest.

32 Sec. 3. Subdivision (21) of section 22a-629 of the 2008 supplement to  
33 the general statutes is repealed and the following is substituted in lieu  
34 thereof (*Effective October 1, 2008*):

35 (21) "Market share" means a manufacturer's national sales of a  
36 particular product category of CEDs expressed as a percentage of the  
37 total of all manufacturers' national sales for [a] such product category  
38 of CEDs. [based on data that is publicly available.]

39 Sec. 4. Section 22a-631 of the 2008 supplement to the general statutes  
40 is repealed and the following is substituted in lieu thereof (*Effective*  
41 *October 1, 2008*):

42 (a) On and after January 1, 2009, each manufacturer shall participate  
43 in the state-wide electronics recycling program established in this  
44 section to implement and finance the collection, transportation and  
45 recycling of covered electronic devices, and may participate in a  
46 private electronics recycling program. Said state-wide electronics

47 recycling program for the recycling of CRT-based and non-CRT-based  
48 televisions shall be funded by allocating the cost of the program  
49 among the manufacturers selling CRT-based and non-CRT-based  
50 televisions in the state based on a sliding scale that is representative of  
51 the manufacturer's market share of CRT-based and non-CRT-based  
52 televisions in the state. Market share information shall be based upon  
53 available national market share data.

54 (b) On and after January 1, 2009, each municipality shall provide for  
55 the recycling of CEDs generated within its boundaries by participating  
56 in the state-wide electronics recycling program. Municipalities that  
57 participate in a regional recycling program may elect to participate in  
58 the state-wide electronics program through such regional authority.  
59 Each municipality or regional authority shall (1) provide for the  
60 collection of CEDs from residents within such municipality or region,  
61 (2) arrange for the transportation of collected CEDs to a covered  
62 electronic recycler, and (3) make information readily available to  
63 residents of the municipality or region of the time and location of the  
64 collection of CEDs. In providing collection and recycling opportunities  
65 to its residents each municipality shall give priority to convenience  
66 and accessibility.

67 (c) On and after January 1, 2009, each covered electronic recycler  
68 shall (1) cooperate with any municipality or regional authority to  
69 provide for the collection and transportation of CEDs, (2) reimburse a  
70 municipality or regional authority for such municipality's or such  
71 authority's qualified costs of transportation, (3) recycle all collected  
72 CEDs in accordance with the minimum standards established in  
73 section 22a-632 of the 2008 supplement to the general statutes, (4) (A)  
74 for desktop or personal computers, computer monitors or portable  
75 computers, maintain a written log that identifies responsible  
76 manufacturers by recording the brand and weight of each CED  
77 delivered to a covered electronic recycler and identified upon receipt  
78 as generated by a household in the state, and (B) for CRT-based  
79 televisions and non-CRT-based televisions, maintain a written log of

80 the total weight of such televisions delivered each month to a covered  
81 electronic recycler and identified upon receipt as generated by a  
82 household in the state, (5) report to the commissioner any  
83 manufacturer that is in arrears for more than ninety days, (6) file a plan  
84 for carrying out the provisions of this section on a form approved by  
85 the commissioner, and (7) invoice manufacturers quarterly for the  
86 reasonable costs of transporting and recycling that the manufacturer is  
87 responsible for [pursuant to this section. Such costs shall be calculated]  
88 under this section, with such costs calculated (A) for CRT-based and  
89 non-CRT-based televisions, on a sliding scale basis that is  
90 representative of the manufacturer's market share of such televisions  
91 in the state multiplied by the total pounds recycled, and (B) for  
92 desktop or personal computers, computer monitors or portable  
93 computers, on a per pound basis [and shall] not [exceed] exceeding  
94 fifty cents per pound or an amount determined by the commissioner in  
95 regulations adopted pursuant to section 22a-638 of the 2008  
96 supplement to the general statutes, and such invoices shall be separate.  
97 Nothing in this subsection shall prohibit a registered manufacturer  
98 from entering into a cooperative agreement with a covered electronic  
99 recycler to return such manufacturer's CEDs for subsequent recycling  
100 by the manufacturer provided the manufacturer certifies to the  
101 commissioner that such CEDs have been recycled in accordance with  
102 subsection (e) of this section and the manufacturer reimburses the  
103 covered electronic recycler for such recycler's qualified costs, as  
104 determined by the commissioner.

105 (d) On and after January 1, 2009, each manufacturer shall pay the  
106 reasonable costs of transportation and recycling incurred by a covered  
107 electronic recycler for the CEDs attributed to such manufacturer and  
108 the manufacturer's pro rata share of orphan devices processed by a  
109 covered electronic recycler. A manufacturer's pro rata share of orphan  
110 devices shall be calculated as a manufacturer's market share for the  
111 preceding calendar year divided by the total market share of all  
112 registered manufacturers for the same year multiplied by the total, in  
113 pounds, of orphan devices returned. [The pro rata share of orphan

114 devices shall be calculated separately for CEDs consisting of computer-  
115 related components, including desktop or personal computers,  
116 computer monitors, portable computers and for CEDs consisting of  
117 television-related components, including CRT-based and non-CRT-  
118 based televisions. Manufacturers of only CEDs consisting of television-  
119 related components or only CEDs consisting of computer-related  
120 components shall only be liable for their corresponding pro rata share.]  
121 The commissioner may suspend the registration of any manufacturer  
122 in arrears for more than ninety days. A manufacturer that has had such  
123 manufacturer's registration suspended in accordance with this  
124 subsection shall demonstrate that all past due payments and a penalty  
125 equivalent to ten per cent of such past due payments has been paid to  
126 the commissioner prior to seeking reinstatement of such registration.  
127 The commissioner shall deposit such penalty in the covered electronic  
128 recycler reimbursement account established under section 22a-27g of  
129 the 2008 supplement to the general statutes for the purpose of  
130 reimbursing covered electronic recyclers for unpaid qualified expenses  
131 in accordance with this section and any regulations adopted pursuant  
132 to section 22a-638 of the 2008 supplement to the general statutes. Any  
133 covered electronic recycler seeking reimbursement for such qualified  
134 expenses shall file a request with the commissioner and certify that  
135 such expenses are qualified. The commissioner shall reimburse each  
136 covered electronic recycler to the extent that funds are available.

137 (e) Any private program for the collection, transportation and  
138 recycling of CEDs shall comply with the standards established in  
139 section 22a-632 of the 2008 supplement to the general statutes. Any  
140 manufacturer participating in a private program shall file a description  
141 of such program with such manufacturer's annual registration,  
142 including: (1) The methods that will be used to collect the covered  
143 electronic devices, including, but not limited to, the name and  
144 locations of all collection and consolidation points; (2) the processes  
145 and methods that will be used to recycle recovered covered electronic  
146 devices, including a description of the disassembly and physical  
147 recovery operation such as crushing, shredding, grinding, glass-to-

148 glass recycling or other operations that will be used; (3) the name and  
 149 location of all facilities to be utilized; (4) documentation of audits of  
 150 each processor used in the plan and compliance with processing  
 151 standards established in section 22a-632 of the 2008 supplement to the  
 152 general statutes; (5) a description of the means that will be utilized to  
 153 publicize the collection opportunities; and (6) the total weight of CEDs  
 154 collected, transported and recycled the previous year.

155 Sec. 5. Section 22a-633 of the 2008 supplement to the general statutes  
 156 is repealed and the following is substituted in lieu thereof (*Effective July*  
 157 *1, 2008*):

158 On and after January 1, 2008, a manufacturer or retailer shall not sell  
 159 or offer for sale a covered electronic device in the state unless it is  
 160 labeled with the manufacturer's brand name, and the label is  
 161 permanently affixed and readily visible. On and after July 1, 2008, such  
 162 label shall contain the manufacturer's name and address.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	22a-629(7)
Sec. 2	<i>October 1, 2008</i>	22a-629(20)
Sec. 3	<i>October 1, 2008</i>	22a-629(21)
Sec. 4	<i>October 1, 2008</i>	22a-631
Sec. 5	<i>July 1, 2008</i>	22a-633

***Statement of Purpose:***

To exclude manufacturers that own a trademark or license for covered electronic devices but do not manufacture such devices from recycling requirements, to redefine orphan device to limit such definition to computer-related components, to redefine market share to limit such definition to CED product categories, to distinguish between manufacturers recycling computer-related and television-related components, and to require that every covered electronic device sold in the state be labeled with the manufacturer's name and address.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*